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UNITED STATES DISTRICT COURT
DISTRICT OF NEW HAMPSHIRE

Josephine Amatucci

v.

Greenhalghn INDIVIDUALLY

Docket 1:22-cv-00340-LM

MOTION FOR SUMMARY JUDGMENT
JUDGMENT AS A MATTER OF LAW
IN VIOLATION OF CIVIL RIGHTS

1. In response to the Order of the Court dated 9/11/2023, the Plaintiff does indeed seek relief under the violations of her Civil Rights and she WILL get relief by judge McCafferty or the judge will be a Trespassor of the law of the land, and forced to step down in this case. That a denial by the Judge for damages to the Plaintiff under 1983, will be a denial of the law of the land. As a denial of a Fourth Amendment violation is not a Judicial Act but an individual act as the act would represent the judge's own prejudices and goals. As the government is limited by the constitution, where the violation of citizens rights should/could never be justified due to the....." OVERRIDING"GOVERNMENT GOALS. And that this branch of government is not allowed to extend its power beyond its legal limits. That it is undeniable that Grenhalghn violated the Plaintiff's civil Righst when he did not dismiss

the case based on the evidence in the Plaintiff's Motion to Dismiss, where he knew there was NO ASSAULT, NO BODILY INJURY, for which she was being prosecuted for, yet instead of dismissing the Complaint, Greenhalghn refused to rule on the Motion to Dismiss and instead allowed a trial to take place. And in doing so Greenhalghn was a Trespassor of the law, in violation of her liberty rights, under the Fourth Amendment, when she was forced to attend court hearings. That he denied the Plaintiff Due Process, the right to a hearing where she would have the chance to defend herself against the malicious prosecution of the Sheriff's Dept. where there was NO PROBABLE CAUSE to accuse her of causing an Assault with Bodily Injury. Evidence of no Probable Cause proven in the Plaintiff's Motion to Dismiss, evidence of a statement by the alleged victim of the Assault, where he states there wasNO INJURY.

2. As stated by the Federal District Court Judge in the case of *Ulvich v. Butler* # 09-7660, the Court stated:

"While a judge performing Judicial functions may enjoy immunity, denial of constitutional and civil rightsARE ABSOLUTELY NOT A JUDICIAL FUNCTION and conflicts with any definition of a Judicial function."

3. There is NO DISPUTE that Greenhalghn was aware of the PERJURY of Deputy Sheriff Wright, who procured an Arrest Warrant on the false statement that the Plaintiff was guilty of an Assault with Bodily Injury.

4. The Plaintiff's rights are based on the principles of "fundamental fairness" and protection from unreasonable seizures..

5. That denying the Plaintiff her protection from the unlawful Complaint of a Malicious Prosecution by the Belnap Sheriff's dept. Greenhalghn was not committing a Judicial act, but an INDIVIDUAL act as the act represented his own prejudices and goals in this case.

6. By denying the Plaintiff a violation of her Fourth Amendment right of an unlawful seizure of her liberty rights. Greenhalghn was in fact acting as a TRESPASSER of the law, that even although he might have had a right to refuse to rule on her Motion to Dismiss under a state statute, a state statute does not OVERRIDE rights contained under the Federal Constitution.

7. Greenhalghn had NO DISCRETION, he has NO IMMUNITY for his acts, in violation her Constitutional rights, where Greenhalghn lost jurisdiction and his orders and judgments are therefore void of no legal force.

8. That therefore Judge McCafferty's rulings and OPINIONS in this case, cannot override the rights allowed under the Constitution, so that if in her discretion she chooses to ignore the Plaintiff's Constitutional rights to damages under 1983 she will be in violalion of the Constitution by a Judge, where her actions or inactions removes her jurisdiction in the matter, where there is no immunity as a TRESPASSOR OF THE LAW OF THE LAND. And where in violation of the law she would be ordered to step down from this case.

9. Under the case of Marshall v. Marshall the Court stated that it is MALICE when there is an intention of depriving a person of his civil rights and wholly incompatible with a judicial function.

10. That it is without a doubt that the Plaintiff did not cause an Assault with bodily Injury to the alleged victim, Mr. Robert Maloney (Maloney was terminated by the town) as there was further evidence at the trial by a witness to the event at the dump, a witness who stated that Maloney was never standing in the doorway, as he stated, and that therefore the Plaintiff never pushed him aside to get inside the office, and therefore, Maloney did not fall down two steps as he falsely stated. And the reason

why Maloney was accusing the Plaintiff falsely, was because although he stated that he only knew her from her coming to the dump for years, the truth was Maloney was a next door neighbor to the Plaintiff for years, and best still the Plaintiff Josephine Amatuucci had a RESTRAINING ORDER on his mother Pauline Maloney.

11. That when the Plaintiff was cross-examining Maloney at the trial asking him to tell the court how he knew me, Greenhalghn shut him up, by immediately interrupting the conversation and telling Maloney "DON'T ANSWER THAT". In doing so, it appears that Greenhalghn knew all along that the Plaintiff was innocent of all charges, that he knew that Maloney was not a credible witness and that Greenhalghn did not want justice done in the case. That the entire case was based on FRAUD, between the Belnap Sheriff's Dept. and Greenalghn. That the entire case was a set up in RETALIATION by Chief Dean Rondeau in Retaliation because I accused him of a fraudulent traffic violation that he claimed occurred in Wolfeboro at the same time I could prove I was in Massachusetts at the time.

12. With all this evidence before Greenhalghn in Malice he convicted the Plaintiff, however Greenhalghn would not clarify to the Plaintiff what he was convicting her of, he refused to answer her pleading for an answer what crime he was convicting her of. And in refusing to answer her inquiry, he was in fact denying her the right to an Appeal, as the Appellate Court only Appeals a ruling by the judge, and where Greenhalgh did not rule on an unlawful malicious prosecution, there was no right to an Appeal.

13. This case is all about the abuse of the elderly, a FELONY under the law.

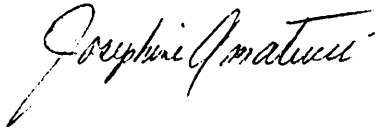
14. WHEREFORE, unless Judge McCafferty herself wants to commit a Felony, unless she wants to TRESPASS THE LAW OF THE LAND, she will allow the Plaintiff an elderly

person of 85 years old, her CONSTITUTIONAL RIGHT to damages under 1983 by a jury of her peers, EXPEDITIOUSLY, as allowed under the Sixth Amendment, for Greenhalghns violation of her civil rights, when he refused to rule on her motion to dismiss, when he refused to dismiss the unlawful malicious prosecution by the Belnap Sheriff's Dept. and instead violated my Fourth Amendment rights of an unlawful seizure of my liberty rights, when I had to appear at the court hearings, and under violation of due Process where it was his duty to dismiss the case before a trial was held. In fundamental fairness.

Respectfully,

Josephine Amatuucci

September 20, 2023

A handwritten signature in cursive script that reads "Josephine Amatuucci". The signature is written in black ink and is positioned below the typed name and date.

FROM: JOSEPHINE AMATORE,
P.O. Box 272
WOLFEBORO FALLS N.H. 03896

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